

(e) The provisions of this part apply as specified for locomotives manufactured or remanufactured on or after July 7, 2008. See § 1033.102 to determine whether the standards of this part or the standards of 40 CFR part 92 apply for model years 2008 through 2012. For example, for a locomotive that was originally manufactured in 2007 and remanufactured on April 10, 2014, the provisions of this part begin to apply on April 10, 2014.

§ 1033.5 Exemptions and exclusions.

(a) Subpart G of this part exempts certain locomotives from the standards of this part.

(b) The definition of “locomotive” in § 1033.901 excludes certain vehicles. In general, the engines used in such excluded equipment are subject to standards under other regulatory parts. For example, see 40 CFR part 1039 for requirements that apply to diesel engines used in equipment excluded from the definition of “locomotive” in § 1033.901. The following locomotives are also excluded from the provisions of this part 1033:

(1) Historic locomotives powered by steam engines. For a locomotive that was originally manufactured after January 1, 1973 to be excluded under this paragraph (b)(1), it may not use any internal combustion engines and must be used only for historical purposes such as at a museum or similar public attraction.

(2) Locomotives powered only by an external source of electricity.

(c) The requirements and prohibitions of this part apply only for locomotives that have become “new” (as defined in § 1033.901) on or after July 7, 2008.

(d) The provisions of this part do not apply for any auxiliary engine that only provides hotel power. In general, these engines are subject to the provisions of 40 CFR part 1039. However, depending on the engine cycle, model year and power rating, the engines may be subject to other regulatory parts instead.

(e) Manufacturers and owners of locomotives that operate only on non-standard gauge rails may ask us to exclude such locomotives from this part

by excluding them from the definition of “locomotive”.

§ 1033.10 Organization of this part.

The regulations in this part 1033 contain provisions that affect locomotive manufacturers, remanufacturers, and others. However, the requirements of this part are generally addressed to the locomotive manufacturer/remanufacturer. The term “you” generally means the manufacturer/remanufacturer, as defined in § 1033.901. This part 1033 is divided into the following subparts:

(a) Subpart A of this part defines the applicability of part 1033 and gives an overview of regulatory requirements.

(b) Subpart B of this part describes the emission standards and other requirements that must be met to certify locomotives under this part. Note that § 1033.150 discusses certain interim requirements and compliance provisions that apply only for a limited time.

(c) Subpart C of this part describes how to apply for a certificate of conformity.

(d) Subpart D of this part describes general provisions for testing and auditing production locomotives.

(e) Subpart E of this part describes general provisions for testing in-use locomotives.

(f) Subpart F of this part and 40 CFR part 1065 describe how to test locomotives and engines.

(g) Subpart G of this part and 40 CFR part 1068 describe requirements, prohibitions, exemptions, and other provisions that apply to locomotive manufacturer/remanufacturers, owners, operators, and all others.

(h) Subpart H of this part describes how you may generate and use emission credits to certify your locomotives.

(i) Subpart I of this part describes provisions for locomotive owners and operators.

(j) Subpart J of this part contains definitions and other reference information.

§ 1033.15 Other regulation parts that apply for locomotives.

(a) Part 1065 of this chapter describes procedures and equipment specifications for testing engines. Subpart F of this part 1033 describes how to apply

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the provisions of part 1065 of this chapter to test locomotives to determine whether they meet the emission standards in this part.

(b) The requirements and prohibitions of part 1068 of this chapter apply to everyone, including anyone who manufactures, remanufactures, imports, maintains, owns, or operates any of the locomotives subject to this part 1033. See § 1033.601 to determine how to apply the part 1068 regulations for locomotives. Part 1068 of this chapter describes general provisions, including the following areas:

(1) Prohibited acts and penalties for locomotive manufacturer/remanufacturers and others.

(2) Exclusions and exemptions for certain locomotives.

(3) Importing locomotives.

(4) Selective enforcement audits of your production.

(5) Defect reporting and recall.

(6) Procedures for hearings.

(c) Other parts of this chapter apply if referenced in this part.

Subpart B—Emission Standards and Related Requirements

§ 1033.101 Exhaust emission standards.

See §§ 1033.102 and 1033.150 to determine how the emission standards of this section apply before 2023.

(a) *Emission standards for line-haul locomotives.* Exhaust emissions from your new locomotives may not exceed the applicable emission standards in Table 1 to this section during the useful life of the locomotive. (NOTE: § 1033.901 defines locomotives to be “new” when originally manufactured and when remanufactured.) Measure emissions using the applicable test procedures described in subpart F of this part.

TABLE 1 TO § 1033.101.—LINE-HAUL LOCOMOTIVE EMISSION STANDARDS

Year of original manufacture	Tier of standards	Standards (g/bhp-hr)			
		NO _x	PM	HC	CO
1973–1992 ^a	Tier 0 ^b	8.0	0.22	1.00	5.0
1993–2004	Tier 1 ^b	7.4	0.22	0.55	2.2
2005–2011	Tier 2 ^b	5.5	^e 0.10	0.30	1.5
2012–2014	Tier 3 ^c	5.5	0.10	0.30	1.5
2015 or later	Tier 4 ^d	1.3	0.03	0.14	1.5

^aLocomotive models that were originally manufactured in model years 1993 through 2001, but that were not originally equipped with a separate coolant system for intake air are subject to the Tier 0 rather than the Tier 1 standards.

^bLine-haul locomotives subject to the Tier 0 through Tier 2 emission standards must also meet switch standards of the same tier.

^cTier 3 line-haul locomotives must also meet Tier 2 switch standards.

^dManufacturers may elect to meet a combined NO_x+HC standard of 1.4 g/bhp-hr instead of the otherwise applicable Tier 4 NO_x and HC standards, as described in paragraph (j) of this section.

^eThe PM standard for newly remanufactured Tier 2 line-haul locomotives is 0.20 g/bhp-hr until January 1, 2013, except as specified in § 1033.150(a).

(b) *Emission standards for switch locomotives.* Exhaust emissions from your new locomotives may not exceed the applicable emission standards in Table 2 to this section during the useful life of the locomotive. (NOTE: § 1033.901 de-

fines locomotives to be “new” when originally manufactured and when remanufactured.) Measure emissions using the applicable test procedures described in subpart F of this part.

TABLE 2 TO § 1033.101.—SWITCH LOCOMOTIVE EMISSION STANDARDS

Year of original manufacture	Tier of standards	Standards (g/bhp-hr)			
		NO _x	PM	HC	CO
1973–2001	Tier 0	11.8	0.26	2.10	8.0
2002–2004	Tier 1 ^a	11.0	0.26	1.20	2.5
2005–2010	Tier 2 ^a	8.1	^b 0.13	0.60	2.4
2011–2014	Tier 3	5.0	0.10	0.60	2.4
2015 or later	Tier 4	^c 1.3	0.03	^c 0.14	2.4

^aSwitch locomotives subject to the Tier 1 through Tier 2 emission standards must also meet line-haul standards of the same tier.